

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE TRANSPORTATION COMMITTEE

Date: Friday, January 23, 2009
Place: Capitol

Time: 3:00 pm
Room: 455

BILLS and RESOLUTIONS HEARD:

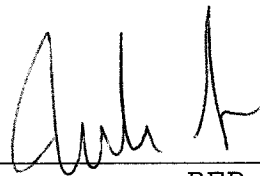
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 49

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

COMMENTS:



REP. Jon Sonju, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
Transportation COMMITTEE

DATE: 1/23/2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Vice Chair Vance	X	
Vice Chair Ebinger	X	
Representative Arntzen	X	
Representative Barrett	X	
Representative Berry	X	
Representative Kottel	X	
Representative Randall	X	
Representative MacDonald	X	
Representative Taylor	X	
Representative Roundstone	X	
Representative Wilson		X
Chairman Sonju	X	

**Montana House of Representatives
Visitors Register**

Transportation

Date 1-23-2009

Bill No. H1349

Sponsor(s) Rep. Lake

PLEASE PRINT <u>Spook Stang</u>	PLEASE PRINT <u>MMCA</u>	PLEASE PRINT <u>TX</u>		
Name and Address	Representing	Support	Oppose	Inf.
Bob Drake E. Helena, MT	Tri-Lakes	X		
Terry Whitcomb	ARRL		X	
Morris Campbell	ARRL		X	
Dave Duval	ARRL		X	
Bob or Spencer	PCI	X		
Jackie Edwards	AIA	X		
Gus Verboegen	GLE Forum	X		
John MacDonald	Auto Alliance	X		
Dave Hudson	Self	X		
Don Judge	MT Nurses' Assn	X		
Mel Drake	Self	X		
Margaret Morgan	ALTEL		X	
Mike Oja	Self	X		
Bruce Charles	West End VFD	X		
Anna Grunowicz	Vernon Wireless	X		
Mina Jansen	GM	X		
Ben Alsbury	Doc			X
Mike Tooley	Self	X		
Joe Hammer	AAA/MTEA	X		
Bonnie Korang	mt Indus Tel. System	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Jason Todhunter MLA X w/amendments

Anna Grunowicz Billings Clinic X w/amendments

John Bueh MT Indus Tel. System X w/amendments

AD

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22 January 2009

The Hon. Jon Sonju.
Chairman, House Transportation Committee
And Members

Dear Mr Chairman:

I wish to communicate my qualified support for House Bill No. 49, "An Act Restricting Use of Electronic Communication Devices in Defined Areas" Virtually everyone can attest to situations and times that careless or misuse of Cell phones have created unsafe travel conditions for Montanans. However, without modification of the Bill's existing language, the unintended consequences are so great that I must urge its defeat in committee.

As written, the bill does not limit its impact the Cell Phones, which we all can agree is the problem. Rather, the bill impacts *all* electronic devices, including 2-way radio communications, both commercial and amateur that are currently licensed and regulated by the Federal Communications Commission. I know, as I have both commercial radio equipment as well as amateur, since I am Forester & Logging Manager for Rocky Mountain Log Homes in my day job. As a "Ham", I hold FCC issued Amateur Extra Class license WA7PDC. I have been licensed as a "Ham" for 45 years, since I was 14. Commercial 2-way radio communications are not just limited to Logging, and public safety, but include County, State and Federal government workers, utilities, and private businesses.

2-way communications, both commercial and amateur are dramatically different in nature from cell phones. Cell phones are full duplex in nature, allowing the user to talk and listen concurrently. 2-way radio communications are simplex, that is, a push-to-talk microphone is typically used with squelched receiver on a preset frequency. Consequently, using 2-way radios in a vehicle, the operator need not have to avert their attention from the road to "see" who is calling, or to activate the system.

The Cell Phone system is such that when a traffic accident were to occur, law enforcement could readily investigate and produce evidence that a driver had been using their cell phone at the time of the accident. No such records exist for licensed 2-way radios. This legislation as written constitutes an implied guilt to any driver of a vehicle